UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1118
17 August 1995
RSITY
Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-seventh session

SUMMARY RECORD OF THE 1118th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 1995, at 10 a.m.

Chairman: Mr. GARVALOV

later: Mr. SHERIFIS

later: Mr. GARVALOV

CONTENTS

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.95-18403 (E)

The meeting was called to order at 10.15 a.m.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 3) (continued)

1. At the invitation of the Chairman, Mr. Meghlaoui (Algeria) took a place at the Committee table.

2. The CHAIRMAN welcomed Mr. Meghlaoui (Algeria) and invited him to respond to the Committee's request, made at its forty-sixth session, for an urgent report under article 9, paragraph 1, of the Convention.

3. Mr. MEGHLAOUI (Algeria) said that, in its decision 3 (46) adopted at its 1089th meeting on 10 March 1995, the Committee had requested an urgent report from his Government regarding the killing of foreigners in Algeria. He regretted that, for technical reasons, his delegation was unable to submit a written report but it would endeavour to do so as soon as possible.

4. The 10 or so reports already submitted by Algeria demonstrated its determination to cooperate with the Committee, as with all other human rights bodies. Algeria's early ratification of the Convention and the many forms of assistance it had contributed to all the forces combating racial discrimination and apartheid, particularly in Africa, also bore witness to the importance it attached to the Convention. It had ratified nearly all the international and regional legal instruments in the field of human rights and international humanitarian law, and also the declarations of recognition of the competence of the bodies established by those instruments, for example under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

5. Algeria's first Constitution, adopted by referendum shortly after independence, stated in article 11 that the Republic acceded to the Universal Declaration of Human Rights. The fundamental objectives of the Republic included combating discrimination of all kinds, particularly that based on race and religion. The first Constitution had been adopted in September 1963, whereas the Convention itself had been adopted by the General Assembly only in 1965. Thus, the Algerian Legislature had been a forerunner in the fight against racial discrimination.

6. The second Constitution, proclaimed in 1976, introduced new safeguards, including the equality of citizens before the law and the inviolability of freedom of conscience and opinion. The third Constitution, adopted in 1989, had set the country firmly on the path to pluralism, democracy and the rule of law. He quoted a number of relevant articles from that Constitution, including article 64, which provided that the person and property of any alien lawfully resident in the national territory were protected by law. Decree No. 66-211 of 21 July 1966 relating to the situation of aliens in Algeria provided for their sojourn and freedom of movement within Algerian territory. The Algerian Code on Nationality stipulated that, in granting Algerian nationality to an alien, no account should be taken of his or her race, sex, religion, state of health, social status or intellectual level.

7. In the history of Algeria, there were certain constant features which had become part of the personality of a people who had been formed from very varied origins to build a nation that had succeeded in withstanding the vagaries of ill fortune. One of those features was hospitality, which was regarded as sacred. The Algerian people were proud of it, especially with regard to foreigners. Another was Islam, also one of the basic components of the Algerian personality. Islam was the religion of tolerance, mercy, justice, equality and respect for others. That was the way in which the Algerian people interpreted their religion and the way in which they had practised it for centuries. They were determined to continue to practise it in that manner.

8. Unfortunately, with the advent of democracy, the phenomenon of terrorist violence had burst upon the Algerian scene. Terrorism was being used to prevent the construction of a modern, pluralist and democratic State. Some people preferred resort to murder and the destruction of the country's economic and social potential to the normal political channels. That did not and would not in any way weaken the Government's determination to continue the dialogue in order to find a solution to the crisis, or the resolve of the Algerian people to build a modern State that respected the universal values on which civilized nations were founded.

9. The terrorism was not directed at any particular sector of the population but affected all strata of society. The foreign community living in Algeria had been targeted by terrorist groups in the same way as other sectors. In their case, however, the murderers were seeking publicity and trying to impair Algeria's relations with other countries and thus harm the national economy. The communiqués in which they claimed responsibility for the attacks on foreigners bore all the marks of religious intolerance. He emphasized that each time a foreign national was murdered, the act was felt by the Algerian people as an intolerable attack on their tradition of hospitality and respect for others and an unbearable affront to their dignity. The murders were the more deplorable in that they affected persons who had come to Algeria of their own free will to share in the life of the Algerian people and help with the development effort. They were contrary to the values and principles of Algerian society, which were those of international society.

10. His Government had always strongly condemned the murder of foreigners. On each occasion, it had set in motion all its machinery to identify, prosecute and punish the perpetrators. It remained determined to fight terrorism, extremism and violence by all legal means. It had also put in place measures to assist the victims of terrorism, no distinction being made between nationals and foreigners in that respect.

11. Algeria's fight against terrorist violence and extremism was a fight for democracy, respect for human rights and friendship among peoples. That was why his Government was disturbed, to say the least, by the fact that notorious terrorist groups publicly claiming to have murdered nationals and foreigners should have received more or less covert support from certain States or their citizens.

12. He assured the Committee once again that the murders in no way affected the traditions of tolerance and hospitality of the Algerian people. The country would remain what it had always been, an active participant in the fight against all forms of racial discrimination. The difficult situation through which it was passing was temporary. The Algerian people were determined to go forward and would indeed do so; they would defeat the forces of regression.

13. The CHAIRMAN thanked the representative of Algeria for his statement which he regarded as a sign of his Government's readiness to continue the dialogue with the Committee. He noted the assurance that, although no written report was available for the time being, one would be received shortly.

14 Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that Algeria's tenth report, submitted in 1992, had been considered by the Committee at two meetings held in March 1993. That report had cited articles 22, 23, 32, 33, 34, 44, 45 and 46 of the 1989 Algerian Constitution as providing safeguards in respect of the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution. The report had also made it clear that the Convention was a part of Algerian legislation and could be invoked directly before the courts. During the consideration of the report, the representative of Algeria had emphasized his country's support for the struggle against racial discrimination and explained the wide scope of the 1989 Constitution and current criminal legislation. The Committee had noted with interest the changes in legislation and institutions during the past few years.

15. On 10 March 1995, alarmed at the continuing violence in Algeria, the Committee had adopted its decision 3 (46) requesting Algeria to hasten the submission of its eleventh and twelfth reports, with special reference to the rights set forth in article 5 (b) of the Convention.

16. From information received from both United Nations sources and NGOs, it was clear that the situation in Algeria continued to give rise to great concern. The Amnesty International report for 1995 said that 1994 had been marked by a continuation of clashes between the security forces and forces of the Islamic Armed Group, resulting in thousands of deaths and injuries. In September, the Government had alleged that some 10,000 persons had been murdered since 1992, but other sources cited by Amnesty International put the number at more than 30,000. The situation had deteriorated throughout 1994 and, according to reports compiled by Amnesty International, the security forces had carried out extrajudicial executions of hundreds of civilians, the majority of whom had been presumed supporters or members of the Islamic Armed Group. Under the Anti-Terrorism Decree adopted in 1992, special courts had been instituted to try cases of terrorism. Persons detained under the Decree were regularly tortured and the courts accepted confessions exacted under torture as evidence. There was no right of appeal such as existed for the regular courts. The Special Rapporteur on extrajudicial, summary or arbitrary executions, appointed by the Commission on Human Rights, had said in his report (E/CN.4/1995/61) that, during 1994, there had been reports indicating that violations of the right to life were continuing on an alarming scale. The security forces were said to be countering acts of violence by Islamic groups through oppressive measures throughout the country. The number of

civilian victims had been very high. There were reports of the killing of numerous persons who expressed criticism at the ongoing violence, including teachers, journalists, lawyers and judges. The situation had been made worse by the activities of paramilitary groups acting with the consent of the security forces.

17. The Commission's Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had said in his report (E/CN.4/1995/32) that the wave of violence had claimed many journalists among its victims, most of whom had died. That general situation in Algeria with regard to violations of human rights had been confirmed by other bodies, including the Human Rights Committee. Within the general panorama, however, foreigners had been specially targeted. Amnesty International stated in its 1995 report that dozens of foreigners had died at the hands of Islamic groups. In September 1993, the Islamic Armed Group had warned all foreigners that they risked death if they did not leave the country. The Commission's Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance had drawn attention in his report (E/CN.4/1995/91) to communiqués signed by the Islamic Armed Group calling for "enemies of Islam", and particularly journalists, intellectuals, women and foreigners, to be killed. In October 1993, seven Russians had been killed in Algeria. In December 1993, 12 Bosnian and Croatian workers had been murdered. In May 1994, at least 12 French nationals, including 2 members of religious orders, had been murdered. So the spiral of violence continued. It should be borne in mind, however, that those deplorable events had taken place within the general framework that he had described. The Commission on Human Rights had already recognized the danger of the situation. In its report to the forty-seventh session of the General Assembly, it had referred to the suspension of the democratic process in Algeria and the attempt of anti-democratic forces to use the democratic process to come to power.

18. Those were the main features of the situation in relation to article 5 (b) of the Convention, which had been the subject of the Committee's decision 3 (46). It had been decided that the Committee should request information from the Government concerning violence against foreigners in Algeria under the agenda item on the prevention of racial discrimination, including early warning and urgent procedures. The representative of Algeria had described the rejection of such violence by the Government and people of Algeria, and also their determination to maintain a fruitful dialogue with the Committee.

19. Mr. DIACONU said that from the statement made by the representative of Algeria, it appeared that terrorist actions were not targeted at a specific sector of society on the basis of ethnic or national characteristics. The aim was apparently to attract media attention, disrupt relations with other States or cause economic damage. Strictly speaking, therefore, the situation did not come within the competence of the Committee on the Elimination of Racial Discrimination. The cases of torture and human rights violations were more relevant to the work of other human rights treaty bodies. Obviously, the Committee should be concerned with the protection of foreign citizens in Algeria and elsewhere, but it should avoid duplicating the work done in other

bodies. The Committee should wait until Algeria had submitted its next report, promised for 1996, before making extensive comments on the situation there.

20. Mr. ABOUL-NASR said that he appreciated the Algerian delegation's willingness to address the Committee. However, he requested clarification whether the situation being discussed at present was within the purview of the Committee and of direct relevance to the Convention, particularly as there was no report before the Committee.

21. The CHAIRMAN said the Committee had decided that the situation in Algeria warranted a request for additional information on terrorism targeted against foreigners living in Algeria and that the topic was within the competence of the Committee.

22. Mr. de GOUTTES said that the delegation had frankly acknowledged the exceptional situation in Algeria and referred specifically to the 1989 Constitution, under which the Government assumed full responsibility for rectifying the situation. Terrorist violence in Algeria had no relationship at all with Islam but was distorting its traditions of tolerance and hospitality. He therefore asked for information on measures taken by the Government or religious authorities to inform or educate the general public in order to promote the true nature of Islam.

23. Mr. Sherifis (Vice-Chairman) took the Chair.

24. Mr. RECHETOV said that he welcomed Algeria's presence, as a State party to the Convention, its willingness to talk about the difficult situation it faced, and its promise to submit its periodic report in 1996, thus maintaining constructive dialogue with the Committee. There was no doubt that the Government was doing all it could to cope with an explosive situation.

25. It seemed clear that what was going on in Algeria in terms of attacks on foreigners was of direct relevance to the work of the Committee in so far as xenophobia against foreigners and Algerian citizens who were bracketed with foreigners was being generated. The question of the religious undertones of such acts of terrorism should also be considered.

26. Mr. ABOUL-NASR said that the feelings of resentment and xenophobia in some Arab countries were a reaction to events in Europe, where cases of ill-treatment of Arabs and Muslims abounded. News of such ill-treatment caused an automatic reaction. However, in most parts, the feelings were more of injustice and offence than a dislike of foreigners as such. Those feelings played directly into the hands of extremists, who could then encourage people to take a stand against foreigners, not just in North Africa but elsewhere in the third world.

27. Mr. WOLFRUM said he could see the rationale behind the assertion that racist acts in one country or region could spark off similar acts elsewhere. In Europe, it appeared that small groups in certain countries were responsible for sowing and perpetuating racial hatred and violence. Governments were duty-bound to try to prevent such activities and to protect and even compensate the victims.

28. Mr. FERRERO COSTA said that the issue raised by Mr. Aboul-Nasr was of considerable relevance to any discussion of racial or ethnic discrimination. Following the perpetration of terrorist acts by small groups of Arab or Muslim militants, racist feelings had been whipped up, especially through the media, in some parts of the developed world. An entire region and the followers of a particular religion were being held responsible. He suggested that the Committee should devote one of its meetings to an in-depth discussion of new forms of racism and xenophobia.

29. The Committee's competence to deal with events involving foreigners in Algeria had been questioned. His own view was that the presence of a delegation from the State party provided an opportunity to ascertain at first hand whether acts involving racial discrimination had occurred and to request coverage of matters of special concern in the next periodic report. It would be interesting to know, for example, whether the Berbers in Algeria were being provided with the requisite facilities for development and whether the use of the Berber language was being adequately promoted.

30. Mr. SHAHI observed that other groups besides foreigners were being targeted for attack in Algeria. He agreed with Mr. Diaconu that the Committee should not draw conclusions from the current meeting but await the periodic report and address all issues on that basis.

31. There was no generalized xenophobia against foreigners in most Muslim countries. However, the situation in Bosnia and Herzegovina and the imposition of an arms embargo on the Government there had aroused considerable resentment in the Muslim world and there was a pervasive feeling that Muslims were not being given equal rights under international law. The Organization of the Islamic Conference and other bodies had given expression to that sentiment.

32. In decision 3 (45) adopted the previous year, the Committee had condemned terrorist attacks in Buenos Aires and London and expressed grave concern at terrorist acts around the world that were victimizing certain racial, ethnic or national groups, but no specific reference had been made to terrorist acts in Algeria.

33. Mr. RECHETOV said that nationals of the countries of Eastern Europe had joined the ranks of those who suffered humiliation when attempting to cross frontiers. He sometimes wondered why his country had adopted liberal entry and exit legislation when even Members of Parliament arriving in most Western countries were interrogated with condescension and mistrust. Cyprus was the only country that had opened its borders freely to nationals of the Russian Federation. He realized, however, that Western countries had their own problems, particularly of an economic nature, and that their behaviour towards foreign nationals was attributable for the most part to those difficulties.

34. A regime's liberal or democratic credentials could be judged by its ability to overcome xenophobic attitudes to other countries. A healthy society would be able to surmount such negative trends, which were

understandable but never justifiable. The influence of the international community was of great importance in that regard, as was the dialogue conducted by the Committee with States parties such as Algeria.

35. Mr. ABOUL-NASR said that when he had spoken of xenophobic trends he was referring not to skinheads but to Governments, especially in the West, and the influence of their acts on the problems of certain third world countries. An example was police harassment of persons who looked like Arabs or nationals of North African countries in certain Western countries. He was astonished that there had been no xenophobic reaction to such conduct in Algeria or elsewhere. Moreover, the leaders of certain terrorist organizations lived abroad under the protection of certain Governments, which refused to cooperate with Governments encountering problems as a result of their activities.

36. Mr. AHMADU agreed with Mr. Aboul-Nasr's comments. Algeria should be encouraged to give full coverage in its next periodic report to matters of relevance to the Convention, including the protection of foreigners. There was no call for a full-scale debate on matters that might fall outside the Committee's competence. What was happening in Algeria was not racial discrimination but a form of terrorism that affected foreigners and Algerians alike. Islam was a religion of peace and one that respected the rights of foreigners, but since the demise of communism it had been demonized and was playing the role of the common enemy.

37. Mr. YUTZIS said it was indeed regrettable that greater coverage was given in the media to terrorist attacks when it was suspected that they might be linked in some way with Islamic groups. When assessing such incidents, it was important to consider whether they were significant per se or merely symptoms of more deep-rooted problems. It was not his place, as a member of the Committee, to enter into the possible interpretations of Islam, but it was essential to identify the religious or social context in which new forms of racism and xenophobia arose. It seemed to him that such phenomena were not confined to one type of society.

38. Credit was due to the Government of Algeria for having agreed to send a delegation before the Committee to discuss such matters. Its presence was essential since the Committee must obtain further, accurate information on the terrorist attacks that had been perpetrated against foreign citizens in Algeria, the persons responsible for such acts and the steps being taken by the Government to deal with them. However, perhaps more importantly, it also provided an opportunity for the Committee to manifest its solidarity with the State party regarding the very complex situation it currently faced.

39. Mrs. SADIQ ALI expressed concern about the Tuare people, who were seriously affected by the current crisis in Algeria. They depended for their livelihood on tourism, which had fallen off considerably since the outbreak of the conflict. She inquired what action was being taken to assist them.

40. Mr. MEGHLAOUI (Algeria) said that he would endeavour to answer all the queries raised in the time available. In his view, the Committee's decision to hold the current meeting was quite uncalled for, since xenophobia and

racism did not exist in Algeria. Moreover, in word and deed, his country had manifested its concern about racism and racial discrimination long before the adoption of the Convention by the United Nations General Assembly.

41. Up-to-date information had been compiled on the number and nationality of victims of terrorist attacks in Algeria, which would be circulated to members of the Committee. It showed that Europeans had not been the sole targets for such attacks; other victims had included Syrians, Iraqis, Libyans and Mauritanians. The total number of foreigners assassinated now stood at 103, while 29 had been injured. Further information was available on efforts made by the Government to punish those responsible, irrespective of the nationality of the victims. In some cases, the perpetrators had been traced and brought before the courts. Other cases remained to be resolved. The Government had also adopted legislation and provisions to compensate the victims of terrorism, including the Finance Act of 1993 (art. 145), Decree No. 94/86 of 10 April 1994 and an Inter-Ministerial Order of 10 September 1994. The latter provided for the establishment of a fund that would compensate all victims who had suffered bodily harm or property damage not covered by an insurance policy. The fund was already operational and some victims whose cases had been taken up by their embassies had already received compensation, including for instance a chauffeur from the Embassy of the Russian Federation.

42. He preferred not to comment on the substance of the Country Rapporteur's report since, in his view, it came under the purview of other bodies. However, he emphasized that the report had drawn its information from one main source only, namely Amnesty International. His Government cooperated with that non-governmental organization, extending to it hospitality which was sometimes abused. Everyone was entitled to form his own opinion of the situation in Algeria and his delegation would comment further on the matter at the appropriate time before the competent body. It should none the less be noted that special courts as referred to in the report had been abolished some time previously. As to the general comments made by several members regarding xenophobia and racism, he emphasized that Algeria considered itself the victim rather than the executioner.

43. In response to Mr. de Gouttes, he stressed that religious values were instilled in Algerians from early childhood and every aspect of their environment reminded them to uphold those values at all times. Furthermore, efforts were made by the Government to educate the population by including religion as a subject in the national school curriculum and providing university training for members of the clergy. There were also daily television programmes in which lectures were given on a topical theme. It should be noted that his Government had responded to a questionnaire on religious intolerance from the special rapporteur on the subject.

44. With regard to Mr. Rechetov's comments, he reiterated that the Algerian people had been the victim of xenophobia for almost one and a half centuries and any suggestions that Algerian society encouraged xenophobia were quite unacceptable. Admittedly, there was occasionally some resentment of foreigners on the part of Algerian individuals or groups of people. That was commonplace in developing countries, owing to the fact that many foreigners enjoyed a far higher standard of living. However, such resentment could not

be termed xenophobia. He believed he had provided sufficient information in reply to the points raised by Mr. Yutzis and thanked him for his expression of solidarity with the Algerian people.

45. Replying to Mrs. Sadiq Ali, he pointed out that the Tuareg were no worse affected by the situation in Algeria than any other sector of the population. Nor did they depend solely on tourism for their livelihood; the were nomads but none the less fully integrated within Algerian society. Perhaps she had been referring to the Tuareg people from Niger and Mali who had sought refuge in Algeria? His Government had taken steps to assist them, resulting in the conclusion of agreements with the Governments concerned. The needs of the refugees were being catered for in close cooperation with the United Nations High Commissioner for Refugees. They were housed in refugee centres that were equipped with all basic amenities.

46. Mr. Ferrero Costa had touched upon an issue which was generally misunderstood abroad and would be taken up in detail in Algeria's next periodic report. There was no Berber minority in Algeria, for the Algerian people as a whole were of Berber origin. Classes in the Berber language would commence in the next academic year. It must be remembered that Algeria still bore the burden of centuries of colonization and, having gained its independence relatively recently, it was still lagging in some areas. It had not been possible to provide schooling in the Berber language thus far for purely technical reasons. The Berber question was not taboo in Algeria, nor should it be seen as an ethnic problem.

47. Mr. Garvalov (Chairman) resumed the Chair.

48. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) observed that the situation in Algeria had been reported accurately. The exchange of views with the delegation had highlighted the need for a careful review of the Committee's sphere of competence vis à vis that of other bodies, given the wide variety of religious, political, economic and social factors involved in the cases it dealt with. He welcomed the frank attitude of the Algerian delegation and the detailed information on terrorist attacks. It had been duly noted that such attacks were not directed exclusively at foreigners and that the victims included native Algerians. More importantly, the Government was taking a number of steps to punish those responsible and provide adequate compensation for victims. Further reflection on the social and cultural roots of xenophobia would be desirable. In the meantime, the Committee looked forward to the submission of Algeria's next periodic report.

49. The CHAIRMAN expressed his thanks to the Algerian representative for the useful exchange of views on matters that fell within the purview of the Committee and other treaty bodies. The Committee shared the Algerian delegation's desire to pursue the dialogue and looked forward to receiving its next periodic report, as well as any additional information that might be of relevance.

The meeting rose at 12.25 p.m.